



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,394	06/30/2000	Hannu Nieminen	4925-53	9490

7590 10/06/2004

Edward M Weisz Esq
Cohen Pontani Lieberman & Pavane
551 Fifth Avenue
Suite 1210
New York, NY 10176

EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,394

Applicant(s)

NIEMINEN ET AL.

Examiner

LaShonda T Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-25,27-36,39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-25,27-36,39 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicants' Amendment and Request for Reconsideration filed on June 23, 2004. The Applicants have canceled claims 8, 26, 37 and 38. Claims 1-7, 9-25, 27-36 and 39-40 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9-11, 15-17, 19-25, 27-28, 32-33, 35-36 and 39-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Hollstrom et al (hereinafter, "Hollstrom", 6,763,247).

As per claims 1 and 19, Hollstrom discloses a method and a network for controlling appliances within a local environment containing a local server responsive to commands received from a mobile phone or a personal digital assistant having a local controller function, each appliance being controllable by a corresponding appliance control module, comprising the steps of:

- installing on the local server, an appliance control modules for each appliance that is to be controlled (col. 3, lines 4-6);

Art Unit: 2157

- providing communication between the local server and the appliances (col. 2, lines 22-33, lines 60-67 and col. 3, lines 1-6); and
- accessing the local server with the local controller when the local controller is one of within the local environment and outside the local environment to select one of the installed control modules for controlling the corresponding appliance (col. 2, lines 60-67, col. 3, lines 1-6, col. 4, lines 65-67, col. 5, lines 1-9 and lines 44-57).

As per claims 2 and 20, Hollstrom discloses:

- wherein each appliance has a memory-stored address for providing a location of the corresponding appliance control module, said method further comprising the steps of transmitting the memory-stored address from the appliance to the local controller, and accessing a remote location using the transmitted address to locate the corresponding appliance control module (col. 4, lines 20-34).

As per claims 3 and 21, Hollstrom discloses:

- wherein the local controller, local server and each appliance contains a wireless transceiver, and wherein said step of transmitting comprises said step of wireless transmitting (col. 3, lines 45-48, lines 65-67 and col. 4, lines 1-15).

As per claims 4 and 22, Hollstrom discloses:

- wherein the memory-stored address is a URL Internet address (col. 4, lines 20-34).

As per claims 5 and 23, Hollstrom discloses:

- wherein said accessing step comprises the step of connecting to the Internet using the URL to locate the appliance control module (col. 4, lines 20-34).

As per claims 6 and 24, Hollstrom discloses:

Art Unit: 2157

- wherein the local controller and the local server comprise an integrally formed wireless communications device (col. 2, lines 22-33, lines 60-67 and col. 3, lines 1-6).

As per claims 7 and 25, Hollstrom discloses:

- wherein said wireless communications device comprises one of a mobile phone and a personal digital assistant (col. 2, lines 60-66).

As per claims 9 and 27, Hollstrom discloses:

- wherein said local server comprises a personal computer (col. 4, lines 57-64).

As per claims 10, 11, and 28, Hollstrom disclose:

- wherein the appliances, local server, and local controller are capable of wirelessly communicating with each other using Bluetooth transceivers (col. 3, lines 45-48, lines 65-67 and col. 4, lines 1-15).

As per claims 15 and 32, Hollstrom discloses:

- wherein said step of transferring comprises the step of accessing the remote location comprises transferring the located appliance control module to the local controller and then transferring the appliance control module from the local controller to the local server (col. 2, lines 60-67, col. 3, lines 1-6, col. 4, lines 65-67, col. 5, lines 1-9 and lines 44-57).

As per claim 16, Hollstrom further discloses

- the step of accessing the local server with the local controller to control a select appliance with a corresponding appliance control module (col. 2, lines 60-67, col. 3, lines 1-6 and col. 4, lines 20-34).

As per claim 17, Hollstrom disclose:

Art Unit: 2157

- wherein the local controller comprises a mobile phone and wherein said accessing step comprises the step of selecting a command on the mobile phone to control a select appliance (col. 5, lines 39-57).

As per claim 33, Hollstrom disclose:

- wherein the local controller comprises a mobile phone and wherein said means for accessing comprises entering a menu selection on the mobile phone (col. 5, lines 39-57).

As per claim 35, Hollstrom discloses a network for controlling an appliance contained within a local environment, the appliance being controllable by a corresponding appliance control module and having a memory-stored address for providing a location of the corresponding appliance control module, comprising:

- one of a mobile phone and a personal digital assistant having a local controller having a wireless transceiver for communicating with the appliance and for receiving the memory-stored address from the appliance, the memory-stored address being used to locate the appliance control module (col. 2, lines 60-67, col. 3, lines 1-6 and col. 4, lines 20-34); and
- a local server in communication with said local controller for receiving and storing the located appliance control module, said local controller wirelessly communicating with said local server when said local controller is one of within the local environment and outside the local environment for controlling the appliance corresponding to the located appliance control module (col. 2, lines 22-33, lines 60-67, col. 3, lines 1-6, col. 4, lines 20-34, lines 65-67 and col. 5, lines 1-9).

As per claim 36, Hollstrom discloses:

Art Unit: 2157

- wherein the memory-stored address corresponds to a location on a global computer network and wherein at least one of said local controller and local server is capable of communicating with said global computer network (col. 2, lines 60-67, col. 3, lines 1-6, lines 15-24 and col. 4, lines 20-34).

As per claim 39, Hollstrom discloses:

- wherein said local controller is used to access the global computer network to locate the appliance control module and to transmit the appliance control module to said local server (col. 2, lines 60-67, col. 3, lines 1-6, lines 15-24 and col. 4, lines 20-34).

As per claim 40, Hollstrom disclose:

- wherein said local controller, said local server and the appliance comprise Bluetooth transceivers for permitting wireless communication therebetween (col. 3, lines 45-48, lines 65-67 and col. 4, lines 1-15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-14, 18, 29-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollstrom in view of Borgstahl et al (hereinafter, "Borgstahl", 6,466,781).

As per claims 12 and 29, Hollstrom discloses the invention substantially as claims discussed above:

Art Unit: 2157

However, Hollstrom does not explicitly disclose:

- wherein the step of accessing further comprises providing a select user with access to the appliances based on a user identifier.

In an analogous art, Borgstahl discloses a method for programming an appliance by a controller including:

- wherein the step of accessing further comprises providing a select user with access to the appliances based on a user identifier (col. 5, lines 61-67, col. 7, lines 62-67, col. 8, lines 1-4 and col. 13, lines 59-67).

Giving the teaching of Borgstahl, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollstrom by including personalization data (ID codes, passwords and PINs) allowing authorized users to access capability information over a securer network in order to protect the information from unauthorized users.

As per claims 13 and 30, Hollstrom discloses:

- wherein the local controller is a mobile phone (col. 2, lines 60-67, col. 3, lines 1-6, col. 4, lines 65-67, col. 5, lines 1-9 and lines 44-57).

However, Hollstrom does not explicitly disclose:

- wherein said step of providing a user with access further comprises using a SIM and PIN associated with the phone as the user identifier.

In an analogous art, Borgstahl discloses a method for programming an appliance by a controller including:

Art Unit: 2157

- wherein said step of providing a user with access further comprises using a SIM and PIN associated with the phone as the user identifier (col. 5, lines 61-67, col. 7, lines 62-67, col. 8, lines 1-4 and col. 13, lines 59-67).

Giving the teaching of Borgstahl, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollstrom by including personalization data (ID codes, passwords and PINs) allowing authorized users to access capability information over a securer network in order to protect the information from unauthorized users.

As per claims 14 and 31, Hollstrom discloses:

- wherein the local server is a personal computer (col. 4, lines 57-64).

However, Hollstrom does not explicitly disclose:

- wherein said step of providing a user with access further comprises using a personal computer password as the user identifier.

In an analogous art, Borgstahl discloses a method for programming an appliance by a controller including:

- wherein said step of providing a user with access further comprises using a personal computer password as the user identifier (col. 5, lines 61-67, col. 7, lines 62-67, col. 8, lines 1-4 and col. 13, lines 59-67).

Giving the teaching of Borgstahl, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollstrom by including personalization data (ID codes, passwords and PINs) allowing authorized users to access capability information over a securer network in order to protect the information from unauthorized users.

As per claims 18 and 34, Hollstrom discloses the invention substantially as claims discussed above:

However, Hollstrom does not explicitly disclose:

- the steps of using the local controller to grant a second device authority for accessing the local server.

In an analogous art, Borgstahl discloses a method for programming an appliance by a controller including:

- the steps of using the local controller to grant a second device authority for accessing the local server (col. 5, lines 61-67, col. 7, lines 62-67, col. 8, lines 1-4 and col. 13, lines 59-67).

Giving the teaching of Borgstahl, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollstrom by including personalization data (ID codes, passwords and PINs) allowing authorized users to access capability information over a securer network in order to protect the information from unauthorized users.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7, 9-25, 27-36 and 39-40 have been considered but are moot in view of the new ground(s) of rejection.

The Office note the following arguments:

Art Unit: 2157

a. Weiser does not teach accessing the local server when the user is in the home (local environment), such as by us Bluetooth, or when a user is outside of the home, such as by connecting to the local server via Internet.

In considering (a), Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,622,018 to Erikson

U.S. Pat. No. 6,415,023 to Iggulden

U.S. Pat. No. 6,694,143 to Beamish et al

U.S. Pat. No. 6,564,056 to Fitzgerald

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 703-305-7494.

The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

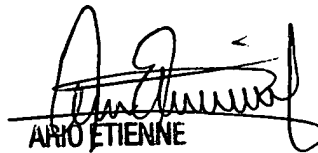
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
September 23, 2004



ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100